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SUBJECT: GVN AND HCMC RELIGIOUS LEADERS CONSULT ON NEW LEGAL GUIDELINES

11. (SBU) Summary and Comment: GVN officials in Ho Chi Minh City are in the process of consulting with the religious community in southern Vietnam on new draft implementation guidelines for Vietnam's new religious ordinance. These officials are also making overtures to Vietnam's evangelical Protestant house church movement; at least some house church leaders are reciprocating. One key leader told us that house churches would be willing to operate under the new legal framework if the GVN modifies it to meet their concerns. We understand that HCMC authorities and house church leaders began discussions on the implementation guidelines November 3, but time is short before the framework comes into effect on November 15. Ultimately, what we and our contacts have seen so far is in draft, and there is no telling what the official and final version of the implementation regulations will look like on November 15. Significantly, however, our official and "unofficial" religious contacts appear encouraged that the GVN is engaging in a consultative process with them. End Summary.

A new framework for religious practice in Vietnam?  
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12. (SBU) On October 8, Nguyen Thanh Xuan, Vice-Chairman of the central-level Committee for Religious Affairs (CRA), along with representatives from the central-level Fatherland Front and the Ministry of Public Security, unveiled for 100 southern religious leaders draft implementation guidelines for the Ordinance on Religion. The Ordinance and guidelines -- to be issued as a GVN decree -- will take effect on November 15. According to ConGen contacts at the meeting, the GVN representatives said that the new legal framework would extend significant new freedoms to organized religion. They maintained that it also would make treatment of religious organizations uniform across Vietnam.

13. (SBU) ConGen HCMC has obtained a copy of the draft decree for translation and analysis and has held a series of meetings to gauge the reactions of recognized and non-recognized religious groups to the draft implementation guidelines.

14. (SBU) Our religious contacts noted positively that "coercing citizens to give up their religions" is explicitly prohibited. They also welcomed the draft decree's concrete procedures for non-recognized religious organizations (the Protestant house church movement, Baptists, Mennonites and others) to regularize their operations and register with the Government. According to the draft guidelines, once approved, registered organizations would be allowed to:

- organize and hold religious rites, ceremonies, and teach at the registered locations;
- elect leaders;
- conduct religious training for believers;
- repair and upgrade religious facilities; and
- conduct charitable or humanitarian activities.

15. (SBU) Pastor Le Van Thien (strictly protect), a senior official of the Southern Evangelical Church of Vietnam (SECV), told us that the draft implementation guidelines contained several important improvements related to the ordination and transfer of religious staff. The SECV was hopeful that the new legislation, once official, would facilitate the quick reopening of SECV churches in the Central Highlands. (The draft decree allows in-province "refresher courses" to facilitate the ordination of new religious staff for already-recognized religious organizations such as the Catholic Church and the Southern Evangelical Church of Vietnam (SECV). It also eases restrictions on the transfer of pastors and priests between provinces.)

16. (SBU) The SECV said that during the October 8 meeting with GVN officials, Catholic, SECV and Vietnam Buddhist Sangha (VBS) -- the GVN-recognized Buddhist organization -- representatives pressed for specific language defining how and when religious institutions would be returned property confiscated after 1975. At this meeting, Catholic and SECV representatives also criticized the GVN's approach on religion, saying that, in general, there was no need for the government to be involved in the internal affairs of religious organizations.

17. (SBU) Our SECV contact noted that the draft decree does not specify punishments for officials that violate it, other than noting that those who violate regulations on forced conversions "shall be dealt with in accordance with the law." Nor does the draft decree delineate what specific reasons the GVN can use to

deny a religious group registration or recognition. A number of our religious contacts also objected to the strong GVN imprint on religious school curriculum and new controls on the travel of religious officials overseas. The SECV cited the absence of provisions facilitating publishing of the Bible and other religious works.

18. (SBU) Thich Tri Quang (strictly protect), head of the HCMC branch of the VBS, told the Consul General October 27 that he did not anticipate that the new legislation would have any impact on VBS activities whatsoever. He added that the outlawed Unified Buddhist Church of Vietnam would not be allowed to apply for registration as a new religious organization after November 15, as the VBS charter clearly stated that it was the "sole" representative of all Buddhists in Vietnam.

19. (SBU) In discussions on October 22 and 27, Pastor Pham Dinh Nhan (strictly protect), a leader of the Vietnam Evangelical Foundation (VEF), an umbrella organization for Vietnam's Protestant house church movement, told us that there were a number of positive elements in the draft implementation guidelines. He said that, after a review of the draft decree and meetings with senior GVN officials in Hanoi and HCMC in late September and early October, he and his colleagues were prepared to begin a dialogue with the Committee for Religious Affairs.

110. (SBU) Nhan said that, if the VEF's concerns were met, it would be willing to register its operations and operate within the new legal framework. Nhan acknowledged that this marks a major shift in the VEF's approach: during a trip of VEF leaders to Hanoi in late September, the VEF had declined to meet with the CRA despite repeated requests from CRA and other GVN officials.

111. (SBU) Nhan said his biggest concern was that, at this point, the draft decree allows registered organizations to operate only from defined places of worship. However, the very nature of Vietnam's house church movement means that it owns or controls few structures large enough to convert into permanent churches. The VEF also is concerned that permitted activities for registered religious organizations are overly restrictive. In particular, the VEF maintains that registered organizations must be allowed to ordain pastors and build new churches.

View from the HCMC CRA  
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112. (SBU) On October 28, HCMC CRA Chairman Nguyen Ngoc San stressed to us that the draft implementation guidelines as they stand are a significant softening of controls on religion. He welcomed dialogue with house church leaders, but noted that his previous calls to Pastor Nhan and other VEF leaders had gone unanswered; however, at our urging, he said he would try again. He warned that there was little time left for the VEF and other non-recognized house church groups to meet with the CRA before the final decree was published. San also noted that the GVN was "insulted" that VEF leaders had circulated a letter to the international community in September criticizing the new Ordinance on Religion but had not responded to CRA "efforts" to meet with them prior to issuing the communique. He added that "if the house church movement was more patient and more respectful, they would get more sympathy and understanding" from the GVN.

113. (SBU) San admitted that there were still a number of important gaps and imprecisions in the draft legislation. In particular, how the GVN would deal with the house church movement after November 15 was a "major headache." The CRA also needs to determine the numerical threshold at which an organization would have a sufficient number of believers to register. For example, Mormons only had "tens" of believers in HCMC, insufficient critical mass, in San's view, to merit registration. He did not specify if the Mormons or other groups would be allowed to continue to practice their faith until they reached critical mass.

Comment  
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114. (SBU) All of our contacts recognized that the regulations are still in draft and that there is no telling what the final version of the implementing regulations will look like. Post also will defer commenting on the regulations until we have seen the final product. That said, the GVN's process of consultation with recognized religious organizations on the draft implementation guidelines and its overtures to the house church movement are encouraging. Equally, the change in tone from members of the Protestant community -- many of whom criticized the Ordinance, insisting that the GVN has no role in religious affairs -- suggests they see the Ordinance on Religion and the draft implementation guidelines as a good faith effort to meet some of their concerns.

WINNICK